

## **ARGUMENT/REMARKS**

Based on the Final Official Action of December 8, 2009, the claims previously in the application have all been canceled in favor of new claims 16 to 20, which express the inventive concept disclosed and taught herein and distinguish patentably from the cited prior art. In formulating new claims 16 to 20 the language used avoids any issues with respect to 35 USC Sec. 112 and any issues regarding the drawings of the application. It is respectfully asserted that the new claims 16 to 20 express the invention disclosed in this application more distinctly and particularly point out the invention using clear and unambiguous limitations fully supported by the specification.

Further, Applicants submit herewith a **CERTIFIED** English translation of the priority document (see attachment that includes a copy of the priority document, a translation and a certification) to show that Applicants, with respect to claims 16 to 20 presented herein, are entitled to the asserted priority claim of January 22, 2004, the filing date of the German priority patent application No. 10 2004 003 439.7, of which a certified copy of the priority document has been filed and accepted, see page 2 of the Final Office Action issued on December 8, 2009, under the paragraph titled “**Priority under 35 U.S.C. §119.**”

According to the preceding paragraph, the main reference cited against claims presented in this application, namely, U.S. PG-Pub2006/0113409 to Camilleri et al, which has an effective date under 35 U.S.C. 102(e) of August 26, 2004, is no longer a valid reference against the claims 16 to 20 herein presented in this patent application, which have an effective date for priority of January 22, 2004. In order to firmly establish the priority of the application regarding claims 16 to 20, claim charts are set forth below showing the support for each limitation recited in claims 16 to 20 and referenced to both the specification of the present application and the German priority application.

The first point to note is that the text of the German priority application, according to the certified translation, is substantially the same text as the specification of the present

application. The second point to note is that the drawings of the German priority application are substantially identical to the drawings of the present application.

There now follows a claim chart for each new claim 16 to 20 showing the text of the claim, limitation-by-limitation with the support for each limitation (1) referenced to the specification of the present application and (2) referenced to the priority document, German Patent Application No. 10 2004 300 439.7 to show unequivocally that the new claims 16 to 20 are entitled to the priority of the German application.

Claim 16 (New)	Support in the Specification	Support in the Priority Document
Paint reservoir system for a paint spray gun including	See title and Field of Invention on page 1	See title and first paragraph on page 2
an open top container and a cover having a spout that can be set on the container to close the top, the spout of said cover being mountable on a paint spray gun for gravity feed of the paint from the container to the spray gun;	See first paragraph under Detailed Description of the Invention on page 2 and first complete paragraph on page 3, and Fig. 1 of drawings.	See fourth and fifth paragraphs on page 3 and Fig. 1 of drawings.
a first through member sealed by a readily puncturable membrane is formed integrally in a wall of the container for establishing a sealed but readily puncturable ventilation opening; said	See first complete paragraph on page 3 and Fig. 1 and enlarged view U. describing and showing region 5, hollow cylinder 8, guidance surface 9a and membrane 7. Character of membrane 7 is described in	See paragraph five on page 3 and Fig. 1 and enlarged view U. describing and showing region 5, hollow cylinder 8, guidance surface 9a and membrane 7. Character of membrane 7 is described in lines 7 and

membrane consisting of a material with one of (i) a lower strength than the material of the container wall and (ii) a smaller thickness than the container wall;	lines 7 and 8 of this paragraph.	8 of this paragraph.
a second member being slidably receivable in said first through member and having a tapered forward end that can puncture said membrane and an enlarged rear end that can engage the first through member; said second member being positionable in said first through member in a first position in which the membrane has been punctured and the second member forms an airtight seal with the first through member, and in a second position in which the membrane is punctured, the second member is partially withdrawn from said first through member and an air passage is formed	Spike 6 is the second member and is shown in Fig. enlarged view Y, Figs. 2a and 2b, and Figs. 3a, 3b and 3c. Spike 6 is described in the last paragraph of page 3 and has a point 12 at one end (free end 25) and has an enlarged head 11 on its other end. Figs. 3a to 3c show spike 6 puncturing membrane 7 as described in the second complete paragraph on page 4. Head 11 is larger than cylinder 8 and seals against the top of cylinder 8 as shown in Fig. 3a and as described in the paragraph bridging pages 4 and 5. Ventilation opening is provided by recesses 13 and catches 15 and 16 that	Spike 6 is the second member and is shown in Fig. 1 enlarged view Y, Figs. 2a and 2b, and Figs. 3a, 3b and 3c. Spike 6 is described in the first complete paragraph on page 4 and has a point 12 at one end (free end 25) and has an enlarged head 11 on its other end. Figs. 3a to 3c show spike 6 puncturing membrane 7 as described in second complete paragraph on page 4 to first complete paragraph on page 5. Head 11 is larger than cylinder 8 and seals against the top of cylinder 8 as shown in Fig. 3a and as described in second complete paragraph on page 4 to first complete

between the first and second members enabling air relief of the container.	position spike 6 in an intermediate position as shown in Figs. 3b and 3c and as described in third and fourth complete paragraphs on page 4.	paragraph on page 5. Ventilation opening is provided by recesses 13 and catches 15 and 16 that position spike 6 in an intermediate position as shown in Figs. 3b and 3c and as described in paragraph bridging on pages 4 and 5.
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Claim 17 (New)	Specification	Priority Document
Paint reservoir system according to Claim 16	See title and Field of Invention on page 1	See title and first paragraph on page 2
wherein the first through member has a forward end and a rear end is integrally formed with the bottom of the container and is in the form of a through tubular cylinder essentially perpendicular to the bottom of the container.	See edges 27 and 28 in Fig. 3a and described in third complete paragraph on page 4. Cylinder 8 is described in first complete paragraph on page 3 as hollow and standing essentially perpendicular to bottom of container.	See edges 27 and 28 in Fig. 3a and described in penultimate paragraph on page 4. Cylinder 8 is described in fifth complete paragraph on page 3 as hollow and standing essentially perpendicular to bottom of container

Claim 18 (New)	Specification	Priority Document
Paint reservoir system according to Claim 17	See title and Field of Invention on page 1	See title and first paragraph on page 2
wherein the forward end of	Shown in Fig. 1, enlarged	Shown in Fig. 1, enlarged

the tubular cylinder projects into the interior of the container and	view U and in Figs. 3a to 3c and described in second complete paragraph page 4, see particularly the last sentence.	view U and in Figs. 3a to 3c and described in third complete paragraph page 4, see particularly the last sentence.
the membrane seals the rear end of the tubular cylinder.	Described in first complete paragraph on page 3 and shown in Fig. 1, enlarged view U.	Described in fifth complete paragraph on page 3 and shown in Fig. 1, enlarged view U.

Claim 19 (New)	Specification	Priority Document
In a paint reservoir system for a paint spray gun including	See title and Field of Invention on page 1	See title and first paragraph on page 2.
a flow reservoir composed of an open top container for paint closed by a cover having a spout for mounting the system on a paint spray gun for gravity feed of the paint from the container to the spray gun and a device for ventilating the container during gravity feed of the paint to the spray gun, the improvement wherein the ventilation device comprises in combination	See Background of the Invention.	See second paragraph page 2.

(a) a tubular cylinder having a central axis, an outer surface and an inner surface that bounds and defines an interior space having a preselected cross section and shape,	Cylinder 8 shown in all figures of the drawing and described in first complete paragraph page 3 and second complete paragraph on page 4	Cylinder 8 shown in all figures of the drawing and described in fifth complete paragraph page 3 and first and third complete paragraphs on page 4
(b) said tubular cylinder integrally formed with a wall of the container with its central axis essentially perpendicular to the container wall and defining a passageway through said wall,	This is described in the first complete paragraph on page 3 and shown in Figs. 3a to 3c..	This is described in the third complete paragraph on page 4 and shown in Figs. 3a to 3c.
(c) a readily puncturable membrane integrally formed to seal the passageway through the tubular cylinder in a liquid-tight manner, and	Membrane 7 shown in Fig. 1, enlarged view U and described in first complete paragraph on page 3.	Membrane 7 shown in Fig. 1, enlarged view U and described in fifth complete paragraph on page 3.
(d) a member readily detachably mounted on the paint reservoir system for forming a ventilation opening through said puncturable membrane,	Spike 6 is shown in Fig. 1 attached 17 to the cover 2, see Fig. 1, enlarged view Y	Spike 6 is shown in Fig. 1 attached 17 to the cover 2, see Fig. 1, enlarged view Y
(e) said member having a forward end configured to puncture through the	Spike 6 has a pointed end 25 configured to puncture membrane 7 and a head 11	Spike 6 has a pointed end 25 configured to puncture membrane 7 and a head 11

membrane and a rear end for engaging the tubular cylinder; said member being shaped to define a ventilation opening between its ends,	for engaging the cylinder 8 as shown in Fig. 3a. Spike has recesses 13 to define ventilation openings between its ends as shown in Figs. 1 and 2a, 2b, 3a, 3b and 3c.	for engaging the cylinder 8 as shown in Fig. 3a. Spike has recesses 13 to define ventilation openings between its ends as shown in Figs. 1 and 2a, 2b, 3a, 3b and 3c.
. (f) said inner surface of said tubular cylinder providing a guidance surface for the member,	Surface 9a of cylinder 8 provides a guidance surface as shown in Fig. 3a, 3b and 3c and described in first complete paragraph on page 3.	Surface 9a of cylinder 8 provides a guidance surface as shown in Fig. 3a, 3b and 3c and described in fifth complete paragraph on page 3.
(g) whereby when the member is detached from said paint reservoir system and inserted into the tubular cylinder, the forward end of the member engages the inner surface of the tubular cylinder and is positively guided by said guidance surface to puncture said membrane, and thereafter, to reside normally at rest in said tubular cylinder in one of two stable positions, (i) in a first stable position to be partially withdrawn to enable	This is described in the paragraphs including the first complete paragraph on page 4 to the paragraph bridging pages 4 and 5, and is shown in Figs. 3a to 3c.	This is described in the paragraphs including the second complete paragraph on page 4 to the first complete paragraph on page 5, and is shown in Figs. 3a to 3c.

ventilation of the container, and (ii) in a second stable position with the member in liquid-tight engagement with the tubular cylinder		
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Claim 20 (New)	Specification	Priority Document
In a paint reservoir system according to Claim 19 wherein	See title and Field of Invention on page 1	See title and first paragraph on page 2
the second member is a pointed tool detachably mounted to the cover by a tear-off bracket.	This is described in the third complete paragraph on page 3 and shown in Fig. 1. The second member is spike 6 and the cover is 2 and the tear-off bracket is 17.	This is described in the paragraph bridging pages 3 and 4 and shown in Fig. 1. The second member is spike 6 and the cover is 2 and the tear-off bracket is 17.

In view of the above, the primary reference relied upon in the final rejection is no longer a valid reference. Therefore, new claims 16 to 20, which have the priority of German application 10 2004 300 439.7 clearly distinguish from the art cited of record and are patentable. Accordingly, it is respectfully requested that the application be reconsidered and that the newly presented claims 16 to 20 be accepted as placing the application in condition for issue.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is earnestly solicited. If there are any questions



regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time, time sufficient, to effect a timely response, and shortages in this or other fees, be charged, or any overpayment in fees be credited, to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 7400-X06-151).

Respectfully submitted,

A handwritten signature in black ink that reads "Martin Fleit". The signature is written in a cursive, flowing style.

Martin Fleit, Reg. #16,900

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